IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1190 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/04/2004 in WP No. 18819 OF 2003 on the file of the High Court.)

Between:

A.P.S.R.T.C., rep by its Managing Director, Mushirabad, Hyderabad

..... APPELLANT

AND

1. Koka Meenakshi W/o Sivanadha Sastry (Died)
R/o Pitapuram, East Godavari District.
2. Koka Suryanarayana Rao S/o Sivandha Sastry,
R/o Pitapuram, East Godavari District.
3. Koka Venkata Subba Rao S/o Sivandha Sastry
R/o Pitapuram, East Godavari District.
4. Jagan Mohan S/o Sivandha Sastry
R/o Pitapuram, East Godavari District.
5. Koka Geetha Reddy W/o S.R.Reddy
R/o Pitapuram, East Godavari District.
6. Koka Chiranjeeva Rao S/o Sivandha Sastry
R/o Pitapuram, East Godavari District.
7. Kum Koka Rekha D/o Sivandha Sastry
R/o Pitapuram, East Godavari District.
8. The Land Acquisition Officer & Revenue Divisional Officer, Kakinada, East Godavari District.
9. II Addl. Sub Judge, Kakinada (Now redesignated as Addl. Senior Civil Judge, Kakinada,East Godavari District

.....RESPONDENTS

Counsel for the Appellant: Mr.K.HARINATH

Counsel for the Respondents1 to 7:Mr.M.Adinarayana Raju

Counsel for Respondents 8 & 9: Govt. Pleader for Home.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Hardly, there is any ground to interfere with the order passed by the learned Single Judge dismissing the Writ Petition of the appellant. Appellant had sought its impleadment in execution proceedings taken out by the claimants to execute the award of the Reference Court enhancing the amount of compensation. Against the order of rejection of its application, appellant preferred revision in this Court, which was dismissed holding that petitioner-appellant cannot be impleaded at the belated stage to stall the execution of the decree. Needless to add that the grounds on which appellant wanted its impleadment in the execution proceedings, inter alia, also stated that the amount had not correctly been calculated. After disposal of the said proceeding, the Writ Petition was filed by the appellant questioning one of the orders passed in the execution proceedings, on the ground that ultimately liability to pay the amount is that of the appellant. Therefore, appellant is entitled to challenge any order passed in execution in a Writ Petition and seek a direction against the Executing Court to fix the correct amount. The learned Single Judge held that the remedy of the appellant, if any, was to challenge the order of this Court passed in C.R.P. No.3894 of 1997 in appeal, which not having been done, the appellant cannot be permitted to achieve the said objective by resorting to filing of the writ petition and invoking the extraordinary jurisdiction of this Court.

The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

12.8.2004.

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C.V.RAMULU, J.

VR.

To

1. The Land Acquisition Officer & Revenue Divisional Officer, Kakinada, East Godavari District.
2. II Addl. Sub Judge, Kakinada (Now redesignated as Addl. Senior Civil Judge, Kakinada,East Godavari District.

3. Two CCs to Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.